

**BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI**

Missouri Propane Gas Association,	)	
	)	
Complainant,	)	
	)	
v.	)	<b>Case No. GC-2016-0083</b>
	)	
Summit Natural Gas of Missouri, Inc.,	)	
	)	
Respondent.	)	

**ANSWER OF SUMMIT NATURAL GAS OF MISSOURI**

COMES NOW Summit Natural Gas of Missouri, Inc. (“Summit”), and hereby files its Answer to the First Amended Complaint filed by the Missouri Propane Gas Association (“MPGA) on October 30, 2015.

**ANSWER TO SPECIFIC ALLEGATIONS**

1. Summit denies the allegations in paragraph 1.
2. Summit admits the allegations in paragraph 2.
3. Summit admits the allegations in paragraph 3.
4. Summit admits the allegations in paragraph 4.
5. Summit admits the allegations in paragraph 5.
6. Summit denies the allegations in paragraph 6.
7. Summit admits the allegations in paragraph 7.
8. Summit denies the allegations in paragraph 8.

9. Summit has no information or belief upon the subject sufficient to enable it to answer the allegations in Paragraph 9 and therefore asserts a denial upon that ground.

10. Summit admits that it has performed conversions in the manner described in Paragraph 10. The phrase “continues to perform” is unclear and Summit therefore denies that it continues to perform such conversions. In further response, Summit states that it has not performed any such conversion since July 7, 2014, but may do so in the future if asked by a customer.

11. Summit admits the allegations in paragraph 11.

12. Summit admits the allegations in paragraph 12.

13. Summit admits the allegations in paragraph 13.

14. Summit admits the allegations in paragraph 14.

15. Summit admits the allegations in paragraph 15.

16. Summit admits the allegations in paragraph 16.

17. Summit admits the allegations in paragraph 17, but denies that any such authorization is or was required.

18. Summit denies the allegations in paragraph 18.

19. Summit admits that it convened a meeting at its Sunrise Beach offices on March 19, 2015 for the purpose of demonstrating a conversion to Charlie Womack and Commission gas safety staff member Daniel Fitzpatrick. Brian Brooks and several other members, employees or contractors of the MPGA attempted to attend the meeting. Neither Mr. Fitzpatrick nor any employee of Summit had informed Mr. Brooks or anyone else from MPGA of the meeting or invited them to the meeting. Summit denies all other allegations in paragraph 19.

20. Summit denies the allegations in paragraph 20.

21. Paragraph 21 does not allege any facts, and Summit therefore neither admits nor denies the allegations in paragraph 21.

22. Summit admits the allegations in paragraph 22.

23. Summit admits the allegations in paragraph 23.

24. Summit admits the allegations in paragraph 24.

25. Summit admits the allegations in paragraph 25.

26. Summit admits the allegations in paragraph 26.

27. Summit admits the allegations in paragraph 27.

28. Summit denies the allegations in paragraph 28.

29. Paragraph 29 does not allege any facts, and Summit therefore neither admits nor denies the allegations in paragraph 29.

30. Paragraph 30 of the Complaint does not allege any fact, but rather quotes a Missouri statute, which speaks for itself. Summit therefore neither admits nor denies the allegations in paragraph 30.

31. Paragraph 31 of the Complaint does not allege any fact, but rather quotes a Missouri statute, which speaks for itself. Summit therefore neither admits nor denies the allegations in paragraph 31.

32. Any allegation not specifically admitted herein by Summit is denied.

### **AFFIRMATIVE DEFENSES**

#### **FIRST DEFENSE**

33. The First Amended Complaint fails to state a claim upon which relief may be granted and therefore must be dismissed.

SECOND DEFENSE

34. The First Amended Complaint requests relief that is beyond the statutory authority of the Commission to grant.

THIRD DEFENSE

35. The First Amended Complaint seeks to expand the Commission's jurisdiction beyond that allowed by statute.

FOURTH DEFENSE

36. Permitting the invocation by an unregulated supplier of heating fuel of the Commission's authority to regulate the safety and monopoly power of public utilities, in order to achieve anti-competitive ends such as MPGA attempts here, would be an abuse of the public trust by which the Commission was created by the Missouri Legislature in the first instance.

**WHEREFORE**, Summit respectfully submits this answer.

Respectfully Submitted,

By: /s/ Lewis Mills \_\_\_\_\_

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**ATTORNEY FOR SUMMIT NATURAL  
GAS OF MISSOURI, INC.**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been emailed to all parties of record this 13<sup>th</sup> day of May, 2016.

/s/ Lewis Mills

Lewis Mills